

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

INTERNATIONAL UNION, UNITED MINE
WORKERS OF AMERICA, AND LOCAL
UNION 1702, UNITED MINE
WORKERS OF AMERICA,

Plaintiffs,

v.

CIVIL ACTION NO. 1:15-CV-21
(Judge Keeley)

MONONGALIA COUNTY COAL COMPANY,

Defendant.

**PLAINTIFFS' MOTION FOR APPROVAL OF SETTLEMENT
AND DISMISSAL OF CASE**

COMES NOW the Plaintiffs, by Counsel, and pursuant to Federal Rule of Civil Procedures 41 (a)(2), and respectfully moves for an Order approving the parties' settlement and dismissing this case for the following reasons:

1. On February 6, 2015, Plaintiffs filed this action seeking enforcement of a final and binding labor arbitration award. The award at issue directed Defendant to cease and desist from continuing to violate the parties' collective bargaining agreement by contracting out certain bargaining unit work. (Docket #1, Exhibit A). After an agreed upon extension, Defendant filed its Answer on June 9, 2015. (Docket # 6).
2. Following the filing of this action, the parties engaged in extensive discussions during which a partial settlement of the issue at bar was reached.

Therefore, the parties continued their efforts and engaged in further settlement discussions. On August 11, 2015, the parties were finally successful in their efforts and reached an agreement resolving the remaining issues in this case. **(Exhibit “A”)**.

WHEREFORE, in light of the settlement agreement, Plaintiffs seek an Order approving the parties’ settlement and dismissing this action with prejudice. Plaintiffs also request that the Order reflect that the parties bear responsibility for their own costs and fees and that the Court retain jurisdiction for purposes of compliance with the terms of the settlement agreement. See, Kokkonen v. Guardian Life Insurance Co., 511 US 375 at 381, (1994).

Respectfully Submitted,

INTERNATIONAL UNION, UNITED MINE
WORKERS OF AMERICA and LOCAL UNION
1702, UNITED MINE WORKERS OF AMERICA,
by Counsel,

/s/ Charles F. Donnelly

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CERTIFICATE OF SERVICE

I hereby certify that on this **1st day of September 2015**, I electronically filed the foregoing **PLAINTIFFS' MOTION FOR APPROVAL OF SETTLEMENT AND DISMISSAL OF CASE** and **PROPOSED ORDER** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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